

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION**

**UNITED STATES OF AMERICA**

**v**

**CASE NO: 5:17-cr-43-Oc-37PRL**

**ANTONIO ACOSTA, JR.**

---

**ORDER**

Petitioner filed a *pro se* motion requesting discovery, sentencing transcripts, and sentencing memorandum in the underlying criminal case. (Doc. 40). By Order dated March 11, 2020, the Court advised Petitioner that he would need to obtain discovery documents from counsel and the sentencing transcript from the court reporter. (Doc. 41). As for the requested “sentencing memorandum,” which the Court assumed was a request for the sealed Final Presentence Investigation Report (“PSR”) (Doc. 35), the Court directed the United States to advise whether it had any objection to its disclosure.

The United States filed a response in opposition to disclosure arguing that sensitivity concerns in Federal Rule of Criminal Procedure 32, militate against disclosure to a defendant post-sentencing, without that defendant consulting with his or her lawyer and obtaining the PSR directly from the lawyer. (Doc. 42). However, the government further advised that it believes Petitioner is trying to determine what was said on the record about his cooperation during the sentencing hearing, and precisely what the final advisory guidelines range was prior to imposition of the 120-month term of imprisonment. In efforts to alleviate the need for Petitioner to obtain the final PSR and sentencing transcript, the government informed Petitioner of his final guidelines range and advised that the government intends to engage in a final evaluation of Petitioner’s cooperation and

recommend to supervisors within the United States Attorney's Office that the government reward Petitioner with Rule 35(b) motion based on his cooperation.

In the meantime, Petitioner filed a motion to compel the Office of the Federal Public Defender to provide him with a copy of his case file. (Doc. 43). Ms. Bird (with the Office of the Federal Public Defender) filed a response advising that Petitioner's file was mailed to him on April 10, 2020, excluding the PSR and the hearing transcript (which has not been transcribed, but for which the AFD may have a digital file). (Doc. 45). According to Ms. Bird, she will provide Petitioner with a copy of his PSR and the digital media after she has a consultation with Petitioner and his counselor.

Given the responses by the United States and Ms. Bird, it appears that Plaintiff has (or will) receive all documents he requested in his motions that are available. Accordingly, his motions (Docs. 40 & 43) are terminated as moot.

**IT IS SO ORDERED** in Ocala, Florida, on April 15, 2020.

  
\_\_\_\_\_  
PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties